

An Ordinance Permitting Accessory Apartments in One-Family Residence Districts

WHEREAS there is a need in our community for housing opportunities for those on fixed incomes to remain in their homes; and

WHEREAS there is also a need in our community for housing opportunities that will allow homeowners to bring family members into their homes while retaining a degree of independence; and

WHEREAS West Hartford ordinances currently prohibit the construction of accessory apartments within a single family home

NOW THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF WEST HARTFORD THAT:

SECTION ONE: Section 177-6 of the West Hartford Code of Ordinances is hereby repealed and the following is substituted in lieu thereof:

- A. No structure shall be used, erected or expanded, and no land use shall be established or expanded, except in accordance with this chapter. The schedules contained in this article list permitted uses of land and buildings and the maximum height of buildings, the required yards, open space, area of lots and other requirements for the various districts in this chapter.
- B. Schedule of Permitted Main Uses.
- C. Schedule of Permitted Accessory Uses.
- D. Standards for the One-Family Residence Districts.
- E. Standards for Multifamily Residence Districts.
- F. Standards for Business Districts.
- G. Standards for Industrial Districts.

SECTION TWO: Section 177-23 of the West Hartford Code of Ordinances is hereby repealed and the following is substituted in lieu thereof:

§177-23. Accessory buildings & apartments.

- A. An accessory building attached to a main building, including attachment by means of a breezeway or a roofed passageway, shall comply with the requirements of this chapter applicable to the main building.
- B. Any accessory building observing the same yards as required for the main building may be erected to the same height limits as the main building.
- [C. [No accessory building on the same lot with a main residence building shall be used for residence purposes, except for guests or for domestic employees of the owners or tenants of the main building and who are employed on the premises, provided that such accessory building contains no kitchen facilities. One dwelling of not more than three rooms, including kitchen facilities, shall be permitted in an accessory building, provided that the lot has at least twice the area as required by the provisions of this chapter.]

[D]C. Accessory buildings shall be constructed of durable permanent materials, such as wood or metal framing; wood, metal or vinyl wall panels; and roofing materials, such as wood, fiberglass or asphalt roofing materials. The requirements of this subsection shall not apply to temporary accessory buildings such as tents; freestanding awnings or canopies; hoop houses or cold frames for the establishment or protection of plants; and similar structures, provided that such temporary accessory buildings shall not be erected for more than 60 days during any calendar year. The Plan and Zoning Commission is authorized to grant a special use permit pursuant to § 177-42A where unique circumstances exist which warrant either the use of materials which are not durable or permanent, or the erection of a temporary accessory building for longer than 60 days. Convenience and/or expense shall not, however, be deemed to be unique circumstances.

[E]D. No temporary health care structure as defined and regulated by P.A. No. 17-155 shall be permitted.

E. Notwithstanding the definitions of “Dwelling Unit” and “Apartment” contained in §177-2B, in any one-family residence district a dwelling unit may be converted to allow the incorporation of one (1) apartment which is accessory, subordinate and incidental to the principal dwelling unit and which contains its own kitchen, bathroom and sleeping facilities, subject to the provisions of § 177-42A and the following requirements:

- (1) The lot shall be not less than the minimum required lot size in the one-family residence district its located.
- (2) Size, location and appearance:
 - (a) The accessory apartment shall have a minimum gross floor area of 400 square feet and a maximum gross floor area of 700 square feet or 25% of the gross floor area of the principal dwelling unit, whichever is less.
 - (b) The building footprint of a principal dwelling unit shall not be increased by more than 15% to accommodate any accessory apartment.
 - (c) Accessory apartments shall not be permitted in basements unless one wall within the apartment opens to grade and contains both windows and walk-out ingress/egress.
 - (d) Accessory apartments shall not be permitted in detached accessory buildings.
 - (e) Exterior access to accessory apartments shall be located on the side or rear of the dwelling.
 - (f) Accessory apartments shall be designed to preserve the one-family residential character of the dwelling.
- (3) At least one off-street parking space, subject to the requirements of § 177-32, shall be provided for the accessory apartment.
- (4) Either the principal dwelling unit or the accessory apartment shall be owner-occupied.
- (5) Accessory apartments shall conform to all requirements of the applicable building, health, fire, sanitary and zoning codes in addition to those requirements set forth herein.

(Wenograd, Dodge)
12/11/18

Approved as to form and legality:

Patrick Alair, Corporation Counsel

Town of West Hartford
Schedule of Permitted Accessory Uses

	One-Family Residence Districts							Multi-Family Residence Districts								Business Districts								Industrial Districts			
Permitted Accessory Uses	R-80	R-40	R-20	R-13	R-10	R-6	EP	RM-4	RM-3	RM-2	RM-1	RM-MS	RCO and RM/O	RO	RP	BOL ¹	BO	RI	BN	BND	BS	BC & CBDH	BG	IP	IE	IR	IG
1. Keeping of not more than 3 nontransient roomers or boarders in any dwelling unit	P	P	P	P	P	P		P	P	P	P	P	P	P	P		P	P	P	P		P					
1A. Keeping of not more than 3 nontransient roomers or boarders in any dwelling unit for which a family permit for a housekeeping unit composed of three (3) or fewer individuals not related by blood or marriage as specified in §177-2 of this chapter is issued	A	A	A	A	A	A		A	A	A	A	A	A	A	A		A	A	A	A		A					
																	No restrictions on commercial vehicles										
2. Private garage for motor vehicles	X	X	X	X	X	X		X	X	X	X	X	X	X	X		X	X	X	X	X	X	X	X	X	X	X
3. Off-street parking and loading facilities for:																											
(a) Motor vehicles							X									X	X	X	X	X	X	X	X	X	X	X	X
(b) Motor vehicles bearing current Connecticut passenger registration	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X												
(c) Either 1 van or 1 pickup truck per dwelling unit	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X												
(d) Not more than 2 unregistered motor vehicles																X	X	X	X		X	X	X	X	X	X	X
(e) Not more than 1 unregistered motor vehicle	X	X	X	X	X	X		X	X	X	X	X	X	X	X												
4. Parish house, parsonage, church schoolrooms	A	A	A	A	A	A		A	A	A	A	A	A	A	A		A	A	A	A	A	A	A				

KEY:
A = Permitted use subject to issuance of a building and/or zoning permit and subject to § 177-42A.
B = Permitted use subject to issuance of a building and/or zoning permit and subject to § 177-42B.
C = Permitted use subject to approval of Town Council pursuant to § 177-45 and subject to § 177-42B.
P = Permitted use subject to issuance of a building and/or zoning permit.
X = Permitted accessory use subject to the same permits and review procedures as the main use to which it is an accessory.
Not marked = Not a permitted use in the particular zoning district.

NOTES:
¹For detailed use regulations in the BOL District, see § 177-7.

Permitted Accessory Uses	One-Family Residence Districts							Multi-Family Residence Districts								Business Districts								Industrial Districts			
	R-80	R-40	R-20	R-13	R-10	R-6	EP	RM-4	RM-3	RM-2	RM-1	RM-MS	RCO and RM/O	RO	RP	BOL ¹	BO	RI	BN	BND	BS	BC & CBDH	BG	IP	IE	IR	IG
5. Signs as specified in §177-33	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
6. Swimming pools, provided that they meet the requirements set forth by ordinance	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
7. Noncommercial greenhouse, boathouse, fallout shelter	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		X	X	X	X	X	X	X	X	X
8. As an incidental part of the conduct of a retail business, manufacturing and packaging of articles to be sold at retail on the premises, provided that not more than 50% of the floor space occupied by such retail business is devoted to such manufacturing and packing use																		P	P	P	P	P				P	P
9. Any accessory building or use, except that an accessory use of not more than 3 days’ duration for any 1 event for a charitable or philanthropic purpose or for a seasonal farmers’ market on the premises of a commercial or industrial use, place of worship, school or college, library or museum, religious institution, park or recreational facility and private nonprofit membership club is permitted as a “P” use. Customary accessory uses for such charitable or philanthropic purposes shall include but are not limited to rummage sales, bazaars, fairs and plant sales. Tag sales of no more than 3 days’ duration and no more than 2 times in a calendar year shall be permitted accessory use to a residence.	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
10. Amusement devices, as specified in §177-31 and licensed under §§3-11 through 3-16 of the West Hartford Code ²																			X	X	X	X	X	X	X	X	X

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²Editor’s Note: Secs. 3-11 through 3-16 of the 1972 Code were repealed 5/25/82.

Permitted Accessory Uses	One-Family Residence Districts							Multi-Family Residence Districts								Business Districts								Industrial Districts			
	R-80	R-40	R-20	R-13	R-10	R-6	EP	RM-4	RM-3	RM-2	RM-1	RM-MS	RCO and RM/O	RO	RP	BOL ¹	BO	RI	BN	BND	BS	BC & CBDH	BG	IP	IE	IR	IG
11. Service of food and beverages by waiters or waitresses at customers’ tables outside of the enclosed restaurant on the premises of an existing restaurant.	A	A	A	A	A	A	²	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
12. Family day-care home	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
13. Retail firearms store																					X	X	X				
14. Circular driveway, as specified in §177-32E(13)	X	X	X																								
15. Child day-care center operating before and after regular school hours only if accessory to an existing public, private or parochial school or college which is the main use on the site	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
16. Drive-up window-counter service at restaurants																										X	X
17. Provision of temporary seasonal outdoor dining on the premises of an existing restaurant which does not sell alcoholic beverages, provided that there are no more than 4 tables, with 4 chairs per table. Location of outdoor furniture shall not obstruct the pedestrian right-of-way or emergency access.							²												P	P	P	P	P	P	P	P	P

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²See § 177-3D(6).

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	R-80	R-40	R-20	R-13	R-10	R-6	EP	RM-4	RM-3	RM-2	RM-1	RM-MS	RCO and RM?O	RO	RP	BOL ¹	BO	RI	BN	BND	BS	BC & CBDH	BG	IP	IE	IR	IG	
18. Temporary seasonal outdoor sale of green grocer products, i.e., fresh fruits, vegetables, as well as hot or cold fresh or prepared foods and home garden plants and flowers, as an accessory use to an existing food store/food market, provided that the display area stand is not located in a required parking or driveway area. Location of any product display stand shall not obstruct the pedestrian right-of-way and shall not obstruct building or sight egress, emergency access or create site obstructions to vehicular traffic.																			P	P	P	P	P	P	P	P	P	
19. Car wash facilities																							A	B	B	B	B	
20. Drive-up window dispensing only prescription medications at retail pharmacies provided that a surveillance system meeting the requirements of the Chief of Police is operating during the hours of business.																							A					
21. Adult Day-Care Center	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		A	A	A	A			A					
22. Adult Group Day-care Facility	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		A	A	A	A			A					
23. Adult Day-Care Home	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		A	A	A	A			A					
24. Kennel	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		A		A		A	A	B			B	B	
25. Closed Loop Geothermal Systems and Solar Energy Systems permitted as accessory uses pursuant to §177-37.3	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
26. Fuel cells permitted as accessory uses pursuant to §177-37.3	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	X	X	X	X	X	X	X	X	X	X	X	X	

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27. Food Truck, permitted as an accessory use within the parking area of an existing business provided that the location does not interfere with the safe circulation of vehicular and pedestrian traffic. No more than two (2) food trucks shall be permitted on any one property at the same time and shall not be permitted within five hundred (500) feet of any building which houses a restaurant. Sales from any food truck shall be permitted between the hours 7 am and 10 pm on any calendar day [and shall be limited to not more than three (3) days per week.] , provided that the food truck meets the statutory & regulatory requirements of the Director of Health.	P	P	P	P	P	P																					
28. Keeping of Honeybees	A	A	A	A	A	A																					
29. Accessory Apartments as an accessory use pursuant to § 177-23[E]	A	A	A	A	A	A																					

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